

Jonathan C. Moore (JM 6902)  
Rachel M. Kleinman (RK 2141)  
BELDOCK LEVINE & HOFFMAN LLP  
99 Park Avenue  
New York, New York 10016  
(212) 490-0400

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MICHAEL REUBEN,

Plaintiff,

-against-

ACCEPTANCE OF RULE 68  
OFFER OF JUDGMENT

05 Civ. 9987 (KMK)(JCF)

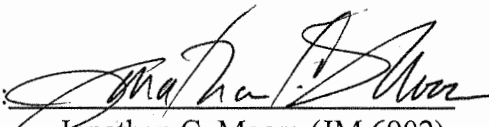
THE CITY OF NEW YORK, a municipal entity;  
MICHAEL BLOOMBERG, Mayor of the City of New  
York; RAYMOND KELLY, New York City Police  
Commissioner; NYPD P.O JAMES CONNOLLY, Shield  
No. 21572; JOHN DOES 1-10, New York City Police  
Officers; RICHARD ROES 1-10, New York City Police  
Supervisors and Commanders,

Defendants.  
-----X

PLEASE TAKE NOTICE that plaintiff MICHAEL REUBEN, by his attorneys Beldock  
Levine & Hoffman LLP, accepts the defendant City of New York's Rule 68 Offer of Judgment  
dated January 10, 2007, in the amount of \$5,001 plus plaintiff's pro rata apportionment of the  
reasonable attorneys' fees, expenses, and costs to the date of that offer.

Dated: New York, New York  
January 23, 2007

BELDOCK LEVINE & HOFFMAN LLP

By:   
Jonathan C. Moore (JM 6902)

To: Cheryl L. Shammass, Esq.  
Assistant Corporation Counsel  
New York City Department of Law  
100 Church Street  
New York, New York 10007

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL REUBEN,

Plaintiff,

AFFIDAVIT OF SERVICE

-against-

05 Civ. 9987 (KMK)(JCF)

THE CITY OF NEW YORK, a municipal entity;  
MICHAEL BLOOMBERG, Mayor of the City of New  
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No. 21572; JOHN DOES 1-10, New York City Police  
Officers; RICHARD ROES 1-10, New York City Police  
Supervisors and Commanders,

ECF Case

Defendants.

-----X

STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF NEW YORK    )

RACHEL KLEINMAN, being duly sworn, deposes and says: that deponent is not a party to the action, is over 18 years of age, and is employed by BELDOCK LEVINE & HOFFMAN LLP, 99 Park Avenue, 16<sup>th</sup> Floor, New York, New York 10016.

That on January 24, 2007 I served on defendant City of New York plaintiff's **written acceptance of defendant's Rule 68 Offer of Judgment** by causing a true copy thereof to be hand delivered to Cheryl Shammas, Esq., at 100 Church Street, New York, New York 10007.

Sworn to me, this  
24<sup>th</sup> day of January, 2007

  
NOTARY PUBLIC

**SPENCER BRANDT FREEDMAN**  
Notary Public, State of New York  
No. 02FR6087184  
Qualified in Kings County  
Commission Expires February 10, 2007

By:   
Rachel M. Kleinman (RK 2141)

To: Cheryl L. Shammass, Esq.  
Assistant Corporation Counsel  
New York City Department of Law  
100 Church Street  
New York, New York 10007

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
MICHAEL REUBEN,

Plaintiff,

-against-

**RULE 68 OFFER OF  
JUDGMENT**

THE CITY OF NEW YORK, a municipal entity;  
MICHAEL BLOOMBERG; Mayor of the City of New  
York, RAYMOND KELLY, New York City Police  
Commissioner; NYPD P.O. JAMES CONNOLLY, Shield  
No. 21572; JOHN DOES 1 – 10, New York City Police  
Officers, RICHARD ROES 1 – 10, New York City Police  
Supervisors and Commanders,

05 CV 9987 (KMK)(JCF)

Defendants.  
----- X

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, defendant City of New York hereby offers to allow the plaintiff, MICHAEL RUEBEN to take judgment against it in this action for the sum of FIVE THOUSAND AND ONE (\$5,001.00) DOLLARS, plus that plaintiff's pro rata apportionment of the reasonable attorneys' fees and costs to the date of this offer.

This judgment shall be in full satisfaction of all claims or rights that the accepting plaintiff may have to damages, or any other form of relief, arising out of the alleged acts or omissions of defendants City of New York, Michael Bloomberg, Raymond Kelly, James Connelly, and any official or employee, either past or present, of the City of New York, or any agency thereof, including but not limited to the New York City Health and Hospitals Corporation, and the Hudson River Park Trust, in connection with the facts and circumstances that are the subject of this action.

This offer of judgment is made for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure, and is not to be construed as an admission of liability by any defendant, official or employee of the City of New York, or any agency thereof; nor is it an admission that the accepting plaintiff has suffered any damages.

Acceptance of this offer of judgment will act to release and discharge all defendants, their successors and assigns, and all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof, including but not limited to the New York City Health and Hospitals Corporation, and the Hudson River Park Trust, from any and all claims that were or could have been alleged by the accepting plaintiff in the above-referenced action. Acceptance of this offer of judgment will also operate to waive the accepting plaintiff's right to a claim for interest on the amount of the judgment. Plaintiff agrees that payment of \$5,001 within 90 days of the date of acceptance of the offer shall be a reasonable time for such payment. The judgment shall contain and recite the terms and conditions set forth herein.

Dated: New York, New York  
January 10, 2007

MICHAEL A. CARDOZO  
Corporation Counsel of the City of New York  
*Attorneys for defendants*  
100 Church Street, Room 3-197  
New York, New York 10007  
212-788-1570

By: 

Cheryl L. Shammass (CS 4108)

TO: Moore & Goodman, LLP  
99 Park Avenue, Suite 1600  
New York, NY 10016  
Attn.: Rachel Kleinman, Esq.

Index Number 05 CV 9987 (KMK)(JCF)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MICHAEL REUBEN,

Plaintiff,

-against-

THE CITY OF NEW YORK, a municipal entity;  
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New York, RAYMOND KELLY, New York City  
Police Commissioner; NYPD P.O. JAMES  
CONNOLLY, Shield No. 21572; JOHN DOES 1 –  
10, New York City Police Officers, RICHARD  
ROES 1 – 10, New York City Police Supervisors  
and Commanders,

Defendants.

**RULE 68 OFFER OF JUDGMENT**

**MICHAEL A. CARDOZO**

*Corporation Counsel of the City of New York  
Attorney for Defendants City of New York, Michael  
Bloomberg, and Raymond Kelly  
100 Church Street, Rm 3-197  
Special Fed  
New York, N.Y. 10007  
Of Counsel: Cheryl L. Shammass  
Tel: (212) 788-1570  
NYCLIS No. 06 SF 002223*

*Due and timely service is hereby admitted.*

*New York, N.Y. ...., 2006*

*..... Esq.*

*Attorney for City of New York*